

## **REMARKS**

The Applicants have filed the present Response in reply to the outstanding FINAL Official Action of July 22, 2005, and the Applicants believe the Response to be fully responsive to the Official Action for the reasons set forth below in greater detail.

At the onset, Applicants would like to thank the Examiner for taking the time to speak with Applicants' representative, Seth Weinfeld, in a telephonic interview on October 24, 2005.

During this interview, Applicants argued that the claim language "after the ignoring step", as recited in Claim 2 and similarly recited in Claims 9 and 16 was supported in the specification. Applicants directed the Examiner's attention to Figure 2 in the specification. Figure 2 illustrates that after the arbitration, the output level of the two devices is fixed at high. See also, page 9, "After the transmission rates are harmonized with each other, the physical layers LSI 11b and 12b produce a high level signal "1"." Clearly, the specification supports the above-identified limitation.

Additionally, with respect to the Examiner's rejection of the claims under 35 U.S.C. § 103(a) in view of Luddy, (U.S. Patent No 5,953,346), Applicants directed the Examiner's attention to page 4 of the reference. Applicants believe that Luddy does not teach "ignoring signals" as recited in Claim 1, or the claimed protection circuit for ignoring signals, as recited in Claims 8 and 15. Luddy does not ignore the signals, but actually begins processing the signals almost immediately. See Col. 4.

As a result of the telephonic interview, the Examiner agreed to reconsider both the § 112 rejection and the § 103 (a) rejection. Applicant would like the Examiner to reconsider the § 103 rejection in view of the following additional analysis.

In the outstanding FINAL Official Action, the Examiner maintained the rejection of Claims 1-5, 8-12 and 15-19 under 35 U.S.C. § 103(a) as being unpatentable over Applicants' admitted prior art (hereinafter "APA") in view of Luddy (U.S. Patent No 5,953,346).

Applicants respectfully disagree with the Examiner's rejection of the claims and traverse with at least the following analysis.

The Examiner avers that Luddy discloses the limitation of ignoring signals from one of the two subsystems for a predetermined time period. The Examiner believes that the term masking is a very general term and that it is well known that masked signals or inputs are those that are not processed.

Specifically, Luddy teaches that data transmission is prevented until the communication path has been established at the desired communication rate. The system selectively suppresses the confirmation tone that a receiving node sends to an origination mode. The delay is performed to obviate a confirmation tone misinterpretation and to prevent the resulting erroneous operation.

However, **the system immediately begins switching over to the new data transmission rate**, because the process takes approximately 1500 msec to implement the connection, **without a process delay (Emphasis added)**. The suppression of the confirmation tone is performed because of the delay in switching over to the new data rate not due to noise. "[T]he present invention blocks the transmission of the confirming tone to the originating note until the new data transmission rate has been completely established throughout the communication system". Col. 4, lines 8-11.

In stark contrast, the claimed invention delays *the connection procedure* for the predetermined time period. This is to prevent the connection procedure from being adversely affected due to noise that arises based upon the connection/disconnection.

Therefore, the reference does not teach ignoring the signals by masking signals, as specifically claimed, but, in fact, teaches acting on the signals immediately, but suppressing a confirming tone, "the communication system receives the answering tone from the terminating node, however, the communication system does not forward the answering tone to the originating node until the switching is complete." Col. 4, lines 47-51.

This is quite different from the claimed invention. Applicants submit that the reference does not teach the limitation of “ignoring”, as defined by the specification. While, Applicants are aware that one cannot read a limitation from the specification into the claims, the claims are interpreted in view of the specification. The specification defines the phrase ignoring the signals as ignoring the signals by masking the signals, which results in delaying the connection process.

Furthermore, since Luddy does not delay the connection process, the connection process can still be affected by noise, i.e., incorrect data rate.

Additionally, Applicants disagree with the Examiner that Luddy teaches “masking the signals”. Luddy actually does not completely ignore the receiving signals. Luddy just suppresses a confirmation signal. The signal is processed immediately, and the system immediately begins switching over to the new data transmission. The signals are not “masked”.

Furthermore, Applicants submit that there is no motivation to combine the references. The Examiner suggests that the motivation is to permit system reliably when a precise synchronization is lacking. However, the purpose of the delay is to prevent misinterpretation of a signal caused by noise *resulting from a physical connection or disconnection*. Luddy does not deal with two devices having a physical connection using a cable and, thus, is not solving the same problem. Therefore, there is no motivation to combine the references.

Accordingly, Applicants submit that the hypothetically combined references fail to teach, suggest or render obvious each and every limitation of independent Claims 1, 8 and 15 and, therefore, the claims are patentably distinct.

With regard to Claims 2, 9, 16, Applicants submit that these claims are patentably distinct from the cited references for at least the following additional reasons. The hypothetically combined references+ fail to teach that the subsystems or devices send constant signals to each other after the predetermined time period after the recognition of a connection. The Examiner avers that the APA discloses this limitation. However, since both the APA and Luddy fail to disclose ignoring a signal, the hypothetically combined references cannot teach sending constant

signals to each other after the predetermined time period for which the subsystems are ignoring the transmitted signal.

Applicants further submit that Claims 3-5, 10-12 and 17-19 are patentably distinct from the cited references based upon at least their dependency from Claims 1, 8 and 15 and based upon the above-identified reasons.

With respect to Claims 4, 11 and 18, Applicants submit that these claims are patentably distinct from the cited references for at least the following additional reasons. Applicants submit that the hypothetical combination of APA and Luddy teaches away from lowering a higher transmission rate to a lower transmission rate to allow for proper bi-directional transmission for the two sub-systems. Specifically, Luddy teaches “This prevents the reception of the answering tone at the transmitting node 40 and ensures the reliable transportation of encoded data at a **higher rate** across a communication system...” See Col. 4, lines 12-16. Therefore, Luddy teaches transmission using the **higher rate and not the lower rate**. (i.e., 64kbs instead of 32kbs.)

Further, the Examiner rejected Claims 6, 7, 13, 14, 20 and 21 under 35 U.S.C § 103(a) as being unpatentable over the APA, in view of Luddy and in further view of the article entitled NEC Looks to Lead Long-Haul 1394 Standards Effects authored by Hara. These claims are directed to optical communication systems and optical fibers.

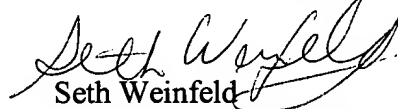
These claims are patentably distinct from the cited prior art references for at least the same reasons are identified above. Hara does not remove any of the above-noted deficiencies.

For all the foregoing reasons, the Applicants respectfully request that the Examiner withdraw the rejection of Claims 2, 9 and 16 pursuant to 35 U.S.C. § 112, first paragraph. Further, Applicants also respectfully request the Examiner to withdraw the rejections of Claims 1-21 under 35 U.S.C. § 103(a).

In conclusion, the Applicants believe that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. If the

Examiner believes a telephone conference might expedite the allowance of this application, the Applicants respectfully request that the Examiner call the undersigned, Applicants' attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

  
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